

Sixth Appellate District

San Jose, California

MONDAY, FEBRUARY 27, 2006

H029072 In re ISRAEL A.

By the Court\*:

Appellant's petition for rehearing is denied.

Filed: February 27, 2006

\*Before Bamattre-Manoukian, Acting P.J., McAdams, J. and Duffy, J.

H028773 PEOPLE v. MOHAMUD

By the Court:

Upon the court's own motion, the submission order in the above-entitled matter dated December 6, 2005, is hereby vacated. The court by separate letter issued February 27, 2006, has requested supplemental briefing from the parties. The cause will be resubmitted upon completion of supplemental briefing.

Dated: February 27, 2006 Rushing, P.J.

TUESDAY, FEBRUARY 28, 2006

H028628 In re SAMMY M.; MONTEREY COUNTY DSS v. JUAN M., et al.

The orders appealed from affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Mihara, J.)

Filed February 28, 2006

H029041 IN Re S.L.; SANTA CLARA COUNTY D.F.C.S. v. ANNETTE E.

The order terminating appellant's parental rights is conditionally reversed, and the matter is remanded to the juvenile court with directions to order the Department (1) to provide all known ancestral information to all affected tribes and (2) to file proof of receipt of such notice by the tribes, along with a copy of the notice and any responses. If no tribe responds after receiving notice, or if the responses received indicate that S.L. is not an Indian child within the meaning of the ICWA, then the order terminating parental rights shall be immediately reinstated. If any tribe determines that S.L. is an Indian child within the meaning of the ICWA, then the juvenile court shall conduct further proceedings applying the provisions of the ICWA, Welfare and Institutions Code section 360.6, and rule 1439 of the California Rules of Court. (not published)

(McAdams, J.; I concur: Mihara, J.; Dissenting opinion by Rushing, P.J.)

Filed February 28, 2006

Sixth Appellate District

San Jose, California

Tuesday, February 28, 2006 (continued)

H027959 PEOPLE v. RODRIGUEZ

By the Court:

Appellant's motion to vacate the submission order is granted. The submission order of February 21, 2006, is hereby vacated. The above entitled cause will be placed on calendar for oral argument, counsel to be advised of the date and time. The cause will be resubmitted upon the completion of oral argument.  
Dated: February 28, 2006 Bamattre-Manoukian, Acting P.J.

WEDNESDAY, MARCH 1, 2006

H028692 PEOPLE v. DANIEL M.

The matter is remanded to the juvenile court, with directions to exercise its discretion in deciding on the minor's maximum term of confinement at the California Youth Authority.  
(not published)  
(McAdams, J.; We concur: Mihara, Acting P.J., Duffy, J.)  
Filed March 1, 2006

H028851 PEOPLE v. FERNANDO R.

The judgment is reversed. (published)  
(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)  
Filed March 1, 2006

H028256 PEOPLE v. ALLEN

H028751 PEOPLE v. ALLEN

The judgment is affirmed. (not published)  
(Elia, J.; We concur: Premo, Acting P.J., Bamattre-Manoukian, J.)  
Filed March 1, 2006

THURSDAY, MARCH 2, 2006

H028884 PEOPLE v. CORONA

The judgment is modified to reduce the restitution fund fine to \$1200 and the parole revocation fine to \$1200. As modified, the judgment is affirmed. (not published)  
(Mihara, J.; We concur: Rushing, P.J., McAdams, J.)  
Filed March 2, 2006

H029126 PEOPLE v. BRYAN

The judgment is affirmed. (not published)  
(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Elia, J.)  
Filed March 2, 2006

Sixth Appellate District

San Jose, California

Thursday, March 2, 2006 (continued)

H028709 WILLEFORD v. SANCHEZ, et al.

The judgment is affirmed. Appellant is to bear the costs of appeal. (not published)

(Elia, J.; We concur: Premo, Acting P.J., Bamattre-Manoukian, J.)  
Filed March 2, 2006

H027242 PEOPLE v. BEESON

The order denying the motion to vacate judgment is reversed and the matter is remanded to the trial court with instructions to enter an order granting the motion to vacate the judgment, and to hold further proceedings consistent with this opinion. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)  
Filed March 2, 2006

H027897 PEOPLE v. RUIZ

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Bamattre-Manoukian, J.)  
Filed March 2, 2006

H028363 PEOPLE v. BLACK

The judgment is affirmed. (not published)

(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)  
Filed March 2, 2006

The following cases are submitted this date:

H029073 PEOPLE v. DANIEL O.

H029115 PEOPLE v. THOMAS

H028982 PEOPLE v. MONTE

H029536 PEOPLE v. DODSON

H029057 PEOPLE v. GONZALES

H028397 PEOPLE v. OLVERA

H029148 PEOPLE v. LAMOREAUX

H029120 PEOPLE v. SMITH

H028226 PEOPLE v. SMITH

H029125 PEOPLE v. PEREZ

H028484 PEOPLE v. WESSON

H028719 PEOPLE v. ANDERSON

H029181 PEOPLE v. ZEPEDA

H028859 PEOPLE v. CARUCCI

Sixth Appellate District

San Jose, California

FRIDAY, MARCH 3, 2006

H029739 MONTEREY CO. DEPARTMENT OF CHILD SUPPORT SERVICES v.  
NICK ARELLANO

By the Court\*:

Appellant's application for an order setting aside the dismissal order for failure to pay the filing fee in the above entitled appeal is granted and the appeal is ordered restored to active status.

The clerk of the court is directed to file and process appellant's application for waiver of court fees and costs which is attached to appellant's application to set aside the dismissal as Exhibit no. H, forthwith.

Time to file appellant's Civil Case Information Statement is extended to 15 days from the date of this order.

Filed: March 3, 2006

Rushing, P.J.

H026651 COUNTY OF SANTA CLARA, et al. v. ATLANTIC RICHFIELD  
COMPANY, et al.

The judgment is reversed. The superior court is directed to (1) vacate its order sustaining the demurrer to the representative public nuisance cause of action in the third amended complaint and enter a new order overruling the demurrer to that cause of action, and (2) vacate its order granting summary judgment and enter a new order granting summary adjudication on the UCL cause of action and denying summary adjudication on the negligence, strict liability and fraud causes of action. Plaintiffs shall recover their costs on appeal.

(published)

(Mihara, J.; I concur: Bamattre-Manoukian, Acting P.J.;

Concurring opinion by McAdams, J.)

Filed March 3, 2006

H028968 SMITH v. COUNTY OF SANTA CRUZ, et al.

By the Court:

Upon the court's own motion, the submission order in the above-entitled matter dated January 5, 2006, is hereby vacated. The court by separate letter issued March 2, 2006, has requested supplemental briefing from the parties. The cause will be resubmitted upon completion of supplemental briefing.

Dated: March 3, 2006

Bamattre-Manoukian, Acting P.J.

H029015 PEOPLE v. ODOM

By the Court:

Appellant's motion to vacate submission order is granted. The submission in this appeal is vacated pending the disposition of case H029373, Odom v. Superior Court. The appeal will be resubmitted once there is a disposition in said matter.

Dated: March 3, 2006

Rushing, P.J.